IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO 1246 of 2004
in
SPECIAL CIVIL APPLICATION NO 3340 of 1989

For Approval and Signature:

HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

STATE OF GUJARAT

Versus

CHANDULAL ZAVERBHAI PATEL

Appearance:
1. LETTERS PATENT APPEAL No. 1246 of 2004
MR PR ABICHANDANI, AGP, for Appellant No.
MR NL PATEL for Respondent No. 1
MR RN SHAH for Respondent No. 1
MR YN OZA for MR NK MAJMUDAR for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE B.J.SHETHNA
and
HON'BLE MR.JUSTICE M.C.PATEL

Date of decision: 19/08/2004

ORAL JUDGEMENT

(Per : HON'BLE MR.JUSTICE B.J.SHETHNA)

1. The above Appeal is filed by the appellant State of Gujarat and the Appellate Authority and Tribunal, ULC Department, Gujarat State, against the order dated 5.5.1999 passed by Mr.Justice K.R.Vyas, J. in Special Civil Application No.3340 of 1989. While admitting the appeal, the Division Bench of this Court has granted stay against the order passed by the learned Single Judge, in Civil Application No.1967 of 2002.

2. Aforesaid order passed by the learned Single Judge in Special Civil Application No.3340 of 1989 remained stayed for all this period during pendency of this Appeal. Therefore, it was requested by the learned counsel for the parties that without going into the merits of the case the order dtd.5.5.1999, passed by learned Single Judge be quashed and set aside and another learned Single Judge be requested to hear and decide the main Special Civil Application No. 3340 of 1989 finally, afresh on merits, as early as possible.

3. Accordingly, this Appeal is allowed and the order dated 5.5.1999 passed by the learned Single Judge in Special Civil Application No.3340 of 1989 is set aside and learned Single Judge, taking up such matters, as per present Roster, is requested to hear and decide the main Special Civil Application No.3340 of 1989, afresh on merits, as early as possible, after extending an opportunity of hearing to the concerned parties. Office may now place Special Civil Application Nos. 3340 of 1989 before the learned Single Judge taking up such matters as per present roster for final disposal.

(B.J.Shethna, J.)
Date : August 19, 2004
(M. C. Patel, J.)
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